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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,498	04/30/2002	Farid Ahmed-Zaid	199-1941 JMS	4307

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EXAMINER

HERNANDEZ, OLGA

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 09/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/063,498

Applicant(s)

AHMED-ZAID ET AL.

Examiner

Olga Hernandez

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 8/13/03 have been fully considered but they are not persuasive.

The applicant argues that Kanazwa does not teach reducing vehicle speed in response to yaw rate. The examiner disagrees. Kanazawa teaches how to reduce the vehicle speed based on the yaw rate (column 5, lines 20-24). Due to the fact that inhibiting is to hold back, retrain and that is what the prior art does when it reduces the speed of the vehicle. The prior art does not teach the use of a controller for sensing the yaw rate. However, this feature is obvious in order to make possible the comparison as the prior art does.

The applicant argues that Kageyama does not teach an in-vehicle controller for adaptively controlling speed of a vehicle. The examiner disagrees. Kageyama has at least one in-vehicle controller (transmitter) that performs the previous function when it receives the information from the vehicle running ahead (column 9, lines 47-51).

The applicant argues that Kageyama does not teach detecting the future path of a vehicle via a navigation system. Again, the examiner disagrees. Kageyama teaches the planned traveling path that is well understood that the vehicle eventually is going to use said path (column 11, lines 26-30).

The applicant argues that Kageyama does not teach generating of a navigational signal from a navigation system. Again, the examiner disagrees. Kageyama teaches sending and receiving position data (column 3, lines 45-46).

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1, 11, 16 and 19, how do the system and method can inhibit the resume speed without setting the speed?

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanazawa et al (4,552,239).

As per claim 11 and 19, Kanazawa teaches how to reduce the vehicle speed based on the yaw rate (column 5, lines 20-24). Due to the fact that inhibiting is to hold back, retrain and that is what the prior art does when it reduces the speed of the vehicle. The prior art does not teach the use of a controller for sensing the yaw rate. However, this feature is obvious in order to make possible the comparison as the prior art does.

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5. Claims 1-5, 7-10, 16-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama et al (6,246,932).

As per claims 1, 16 and 20, Kageyama teaches:

- detecting an object and generating an object profile (column 9, lines 5-14);
- detecting a future path of the vehicle (column 11, lines 11-17);
- generating a predicted future path profile in response to the future path and the object profile (column 11, lines 26-30); and
- inhibiting the speed of the vehicle in response to the predicted future path profile (column 15, lines 45-59).

The prior art does not specify the resume speed. However, due to the 112 problems and it is understood that the prior art teaches the same invention claimed by the applicant.

As per claim 2, Kageyama teaches how to update the predicted future path profile (abstract).

As per claim 3, Kageyama teaches the future path profile includes parameters selected from the following: object profile, yaw rate, street category, and upcoming future road paths (abstract).

As per claims 4 and 8, Kageyama teaches the same claimed by the applicant (column 9).

As per claim 7, Kageyama teaches how to generate a navigational signal from the following group: vehicle position, speed category, future path, landmark location, road type and others (abstract).

As per claims 9 and 17, Kageyama teaches determining the object location with respect to the future path of the vehicle (abstract).

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As per claim 18, it would have been obvious that a vehicle can be a stopped object. Therefore, it is understood that the prior art teaches the same claimed by the applicant based on the vehicle that is traveling and/or using the same system.

As per claims 5 and 10, Kageyama does not teach what is claimed by the applicant. However, the prior art works with the tire turning and the steering wheel of the vehicle that are equivalent to work with the road curvature (columns 10 and 11).

6. Claims 12, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanazawa et al (4,552,239) in view of Kageyama et al (6,246,932).

As per claim 12, Kanazawa does not teach detecting an object and generating an object profile; detecting a future path of the vehicle; generating a predicted future path profile in response to the future path and the object profile; and inhibiting the speed of the vehicle in response to the predicted future path profile. However, Kageyama teaches:

- detecting an object and generating an object profile (column 9, lines 5-14);
- detecting a future path of the vehicle (column 11, lines 11-17);
- generating a predicted future path profile in response to the future path and the object profile (column 11, lines 26-30); and
- inhibiting the speed of the vehicle in response to the predicted future path profile (column 15, lines 45-59).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the aforementioned inventions in order to avoid possible accidents.

As per claim 13, Kanazawa does not teach what is claimed by the applicant.

However, Kageyama teaches: a future path of the vehicle in response to a navigational signal (abstract).

As per claim 14, it would have been obvious that a vehicle can be a stopped object.

Therefore, it is understood that the prior art teaches the same claimed by the applicant based on the vehicle that is traveling and/or using the same system.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama et al (6,246,932) in view of Kanazawa et al (4,552,239).

Kageyama does not teach what is claimed by the applicant. However, Kanazawa teaches how to reduce the vehicle speed based on the yaw rate (column 5, lines 20-24). Due to the fact that inhibiting is to hold back, retrain and that is what the prior art does when it reduces the speed of the vehicle. The prior art does not teach the use of a controller for sensing the yaw rate. However, this feature is obvious in order to make possible the comparison as the prior art does. Therefore, it would have been obvious to one of ordinary skill in the art to combine the aforementioned inventions in order to avoid possible accidents.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

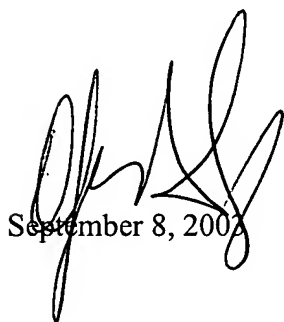
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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Hernandez whose telephone number is (703) 305-0918. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



September 8, 2003

Olga Hernandez
Examiner
Art Unit 3661



WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
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